

### **REMARKS**

Claims 1-3, 21-26 are presently pending and stans rejected. Claims 4-20 are cancelled without prejudice.

Claims 1-3 and 21-22 were rejected under 35 U.S.C. § 112. Assignee has amended claim 1 and it is respectfully submitted that the foregoing objection is now overcome.

Claims 1 and 23 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Abe in view of Zimmerman.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious from Abe in view of Zimmerman. Claim 1 is amended to recite, among other limitations, "Spectrally flattening the portion of the audio signal, thereby resulting in a spectrally flattened decimated portion of the audio signal, wherein classification of the audio signal is unknown".

Examiner has indicated that "Abe does not explicitly disclose spectrally flattening the portion of the audio signal before performing the LPC analysis." However, Examiner has indicated that the foregoing is taught in Zimmerman, Figure 6, step 620 and related text.

It is noted however, that in Zimmerman it is known *a priori* that the received signal is speech. See Figure 6, 610. Accordingly, Zimmerman does not teach "Spectrally flattening the portion of the audio signal, thereby resulting in a spectrally flattened decimated portion of the audio signal, *wherein classification of the audio signal is unknown*".

Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 1 and 23 as now amended.

**CONCLUSION**

For at least the foregoing reasons, each of the pending claims is in a condition for allowance. Examiner is requested to pass this case to issuance.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,



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